

ORIGINAL

OPEN MEETING AGENDA ITEM



0000163975

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

SUSAN BITTER SMITH - CHAIRMAN
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

2015 AUG 24 P 2:34

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
EPCOR WATER ARIZONA, INC., AN ARIZONA
CORPORATION, FOR A DETERMINATION OF
THE CURRENT FAIR VALUE OF ITS UTILITY
PLANT AND PROPERTY AND FOR INCREASES
IN ITS RATES AND CHARGES FOR UTILITY
SERVICE BY ITS MOHAVE WATER DISTRICT,
PARADISE VALLEY WATER DISTRICT, SUN
CITY WATER DISTRICT, TUBAC WATER
DISTRICT, AND MOHAVE WASTEWATER
DISTRICT.

DOCKET NO. WS-01303A-14-0010

**STAFF'S COMMENTS TO
RECOMMENDED OPINION
AND ORDER**

The Utilities Division ("Staff") of the Arizona Corporation Commission hereby files its comments to the Recommended Opinion and Order ("ROO").

The ROO was issued on August 7, 2015. The ROO recommends that EPCOR Water Arizona, be granted a system improvement benefits mechanism ("SIB") for its Mohave, Paradise Valley Water and Sun City Water Districts. On August 18, 2015, the Court of Appeals issued an opinion which vacated the Commission's approval of the SIB mechanism.

In light of the Court's ruling, Staff believes it is appropriate to stay the implementation of the SIB mechanism pending the outcome of further proceedings.

Attached is a suggested amendment.

RESPECTFULLY SUBMITTED this 24th day of August, 2015.

Arizona Corporation Commission

DOCKETED

AUG 24 2015

DOCKETED BY

TV

Robin R. Mitchell
Matthew Laudone
Attorneys, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 Original and thirteen (13) copies of the
2 foregoing filed this 24th day of August,
2015, with:

3 Docket Control
4 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 Copy of the foregoing mailed/emailed
7 this 24th day of August, 2015, to:

8 Thomas Campbell
8 Michael Hallam
9 LEWIS ROCA ROTHGERBER, LLP
9 201 East Washington Street, Suite 1200
10 Phoenix, Arizona 85004
10 Attorneys for EPCOR Water Arizona, Inc.
11 tcampbel@lrrlaw.com
11 mhallam@lrrlaw.com

12 Ray Jones
12 Greg Patterson
13 WUAA
13 916 West Adams, Suite 3
14 Phoenix, AZ 85007
14 gpatterson3@cox.net

15 Daniel Pozefsky
16 1110 West Washington, Suite 220
16 Phoenix, AZ 85007
17 dpozefsky@azruco.gov
17 cfraulob@azruco.gov

18 Robert Metli
19 MUNGER CHADWICK, P.L.C.
19 2398 E. Camelback Rd., Ste. 240
20 Phoenix, AZ 85016
20 Attorneys for Sanctuary Camelback Mountain
21 Resort & Spa, JW Marriott Camelback Inn,
21 and Omni Scottsdale Resort & Spa at Montelucia
22 rjmetli@mungerchadwick.com

23 Andrew Miller
23 6401 E. Lincoln Drive
24 Paradise Valley, AZ 85253
24 amiller@paradisevalleyaz.gov

William Bennett
Paradise Valley Country Club
7101 N. Tatum Boulevard
Paradise Valley, AZ 85253
edelano@paradisevalleycc.com

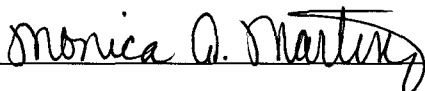
Jim Stark
Greg Eisert
Sun City Home Owners Association
10401 West Coggins Drive
Sun City, AZ 85351
N743ks@cox.net

Albert Gervenack
14751 W. Buttonwood Drive
Sun City West, AZ 85375
agervenack@bmi.net

Rich Bohman
Jim Patterson
Larry McCarty
SANTA CRUZ VALLEY CITIZENS
COUNCIL
PO Box 1501
Tubac, AZ 85646
rtbnmbaz@aol.com
jampat@q.com
mccarty_1@msn.com

Marshall Magruder
P.O. Box 1267
Tubac, AZ 85646
marshall@magruder.org

Delman Eastes
2042 E. Sandtrap Lane
Fort Mohave, AZ 86426
delman_eastes@yahoo.com

28 

STAFF PROPOSED AMENDMENT NO. 1

TIME/DATE PREPARED: _____

COMPANY: EPCOR WATER ARIZONA, INC

AGENDA ITEM NO. 1

DOCKET NO(S). WS-01303A-14-0010

OPEN MEETING DATE: August 27, 2015

Page 65, line 1:

Insert: In light of the Court of Appeals recent decision on August 18, 2015, which vacated the Commission's approval of the SIB mechanism, we will stay the implementation of the SIB mechanism, pending the outcome of any future court ruling.

Page 78, line 9:

Insert new Finding of Fact: In light of the Court of Appeals recent decision on August 18, 2015, which vacated the Commission's approval of the SIB mechanism, the implementation of the SIB mechanism is stayed, pending the outcome of any future court ruling.

Page 90, line 8

Insert new Ordering Paragraph: IT IS FURTHER ORDERED that the implementation of the proposed SIB mechanism is stayed pending further order of the Commission.

**** Make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____